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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, ) Case No. 2:15-mj-0304-PAL  
Plaintiff, )  
vs. ) **Stipulation to Continue Preliminary**  
JUAN MIGUEL PENA, ) **Hearing (Third Request)**  
Defendant. )

**IT IS HEREBY STIPULATED AND AGREED**, by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, and John George, Esq., counsel for defendant JUAN MIGUEL PENA, that the preliminary hearing date in the above-captioned matter, currently scheduled for July 31, 2015, at 4:00 pm, be vacated and continued for sixty (60) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing so they may continue to engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment.

2. The parties agree to the continuance.

3. The defendant is not incarcerated and does not object to the continuance.

1           4. Additionally, denial of this request for continuance could result in a  
2 miscarriage of justice.

3           5. The additional time requested herein is not sought for purposes of delay,  
4 but to for a possible pre-indictment resolution of the case.

5           6. The additional time requested by this stipulation, is allowed, with the  
6 defendant's consent under the Federal Rules of Procedure 5.1(d).

7           DATED this 31st day of July, 2015.  
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Respectfully submitted,  
DANIEL G. BOGDEN  
United States Attorney

14           //s//  
15 JOHN GEORGE, ESQ.  
16 Counsel for Defendant  
17 JUAN MIGUEL PENA  
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14           //s//  
15 CRISTINA D. SILVA  
16 Assistant United States Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA, ) Case No. 2:15-mj-0304-PAL  
Plaintiff, )  
vs. )  
JUAN MIGUEL PENA, ) **FINDINGS OF FACT AND ORDER**  
Defendant. )  
)

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That the parties seek to continue the preliminary hearing in order to continue to engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment.
  2. That the parties agree to the continuance.
  3. That the defendant is not incarcerated and does not object to the continuance.
  4. Additionally, that denial of this request for continuance could result in a miscarriage of justice.
  5. That the additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of the case.
  6. That the additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
  7. This is the third request to continue the preliminary hearing date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

## **ORDER**

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 31, 2015, at the hour of 4:00 pm, be vacated and continued to October 5, 2015, at the hour of 4:00 p.m.

DATED this 31st day of July, 2015.

Peggy A. Leen  
THE HONORABLE PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE